

Remarks/Arguments

Process Claim 12 for preparing applicants' multi-layer packaging films has been amended to recite that the perforations are cut completely through the film that is to be the pre-cut plastic layer (support is found in Figure 1, i.e., perforation 18 and layer 14), and that the line(s) of perforations extend from edge to edge of the film that is to be the pre-cut plastic layer (support is found in Figure 2, i.e., lines of perforations 18, 18'). The specification paragraph on page 3, line 31, has been amended to recite the same information and has the same support. Package Claim 42 has been amended to recite that the lines of perforations are provided in the outer plastic surface layer of each wall member (support is found on page 2, lines 20 and 22). The specification paragraph on page 3, line 31 has been amended to recite layer 14 is the outer edge (support is found on page 3, lines 20 and 22).

The Advisory Actions stated that, in response to applicants' arguments that Olivieri et al. does not disclose joining a precut film to other layers to make a composite film, Olivieri et al. discloses on page 14 on lines 18 and 19, that the edges of 430 and 410 that consist of the precut lines 433 and 432 in Figure 8a are welded together, therefore, the precut film is a layer that is joined with another precut film layer, and therefore, Olivieri et al. does disclose that a precut film is joined with other layers to make a composite. Applicants traverse this statement as being an incorrect and incomplete statement of the disclosure of Olivieri et al. concerning its Figure 8a. Page 4, lines 18 and 19, of Olivieri et al. deals with the embodiment of Figure 9b, not Figure 8.

Olivieri et al. states:

“According to a variant shown more especially in Figure 9b, there may be provisions, when the method according to the invention is being implemented, for producing each precut line over only part of the width of the film, that is to say part of the width of the pack, leaving free of micro-perforations the two longitudinal edges 430 of the film which are intended to be welded in order to make the said pack.” [Emphasis supplied] [Page 14, lines 12 to 19]

“According to the embodiment shown in Figure 9a, the precut lines 432, 433 originate directly from the start-off-opening notch 431, whereas, according to the embodiment shown in Figure 9b, the precut lines 432, 433 originate from the welded edge 430, and there is therefore a non-precut interval between the start-off-opening notch 431 and the precut lines 432, 433.” [Emphasis supplied] [Page 14, line 35, to page 15, line 2]

There are not any precut lines in the edges welded together in the package of Figure 9b of Olivieri et al. Figure 9b of Olivieri et al. does not anticipate (or suggest) applicants' claimed process of preparing the multi-layer packaging film. The perforations of Olivieri et al. are not cut entirely through film 10. So Olivieri et al. does not anticipate applicants' manufacturing process.

If, in Figure 9b, the two edge regions of the Olivieri et al. that are welded together make a composite, the result is still not applicants' multi-layer packaging film since such welded together regions of Olivieri et al. do not contain any

perforations (not precut). The rest of Olivieri et al. is only film 10, which is not a composite. The Random House Dictionary, Unabridged Ed., (1983), states:

“composite... 1. made up of disparate or separate parts or elements;...”.

[Emphasis supplied] [Page 302]

No part or portion of package, including the welded together edge regions, of Figure 9b meets the definition of a composite.

If the Examiner meant to refer to the descriptive parts of Olivieri et al. for Figure 9a, there is still no anticipation. Olivieri et al. states:

“According to one embodiment, the precut line extends over the entire width of the film, that is to say the entire width of the pack, as shown more especially in Figure 8a and in detail in Figure 9a.” [Page 14, lines 6 to 11]

“Thus, as shown in Figure 9a, each precut line extends over part of the width of the said pack 400, being interrupted in the region of the lateral welds 430 of the latter.” [Page 14, lines 20 to 23]

“According to the embodiment shown in Figure 9a, the precut lines 432, 433 originate directly from the start-off-opening notch 431....” [Page 14, lines 35 to 37]

The perforations of Olivieri et al. are not cut completely through film 10. So Olivieri et al. does not anticipate applicants' manufacturing process. To form the welded edge region, Olivieri et al. does not use edges which are completely cut through by the perforations, so Figure 9a does not teach applicants' step of combining their

precut film and at least one other film. As shown above, overlapping the edges of Olivieri et al.'s film 10 does not form a composite.

If the Examiner meant to refer to the descriptive parts of Olivieri et al. for Figures 8a and 8b, there is still no anticipation. Such embodiment has the line(s) of perforations on the inner faces of its package. So Figures 8a and 8b cannot anticipate applicants' package (Claims 28 to 41) on this ground alone. As shown above, applicants' preparation process is not anticipated (no cutting completely through before combining with nay layer is not shown in Olivieri et al.). Claim 42 requires the lines of perforations on the outer faces of the package.

The Office Action stated that Olivieri et al. also discloses in Figure 7 that numbers 12, 12a, and 12b are joined to other layers 11 and 13, therefore, the precut film of 12 is joined to other layers 11 and 13 to make a composite film. Applicants traverse this statement as being an incorrect statement of the disclosure of Olivieri et al. concerning its Figure 7. Olivieri et al. does not join any precut film to layers 11 and 13. Instead, Olivieri et al. joins non-precut layer 12 (i.e., 12a and 12b) to layers 11 and 13 to form film 10, and only then does Olivieri et al. cut lines of perforations 14 in layer 12. Figure 7 does not anticipate applicants' preparation process. None of applicants' packaging claims are anticipated by Figure 7.

As applicants earlier established, the final status of the Final Rejection should be withdrawn as being premature because the first Office Action was not complete and should have included the new anticipation rejections.

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Supplemental Amendment After Final of 09/05/2003
Reply to Office Action of 08/16/2003

The present and prior amendments should be entered and a new Office
Action should be issued.

Reconsideration, reexamination and allowance of the claims is requested.

Respectfully submitted,

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Date

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